

REMARKS

The Office Action mailed on August 19, 2003 has been received and its contents carefully reviewed. By the above Amendment, Applicants amended the specification to correct minor informalities and amended claims 1-8, 12, 13, and 17 to recite in more detail the features and limitations of the present invention. The specification supports these amendments to the claims throughout, and especially on pages 9-15, 19, 23, 27, 29, and 35. Claims 1-17 are now pending in the application. Applicants respectfully submit that no new matter is presented by entry of this Amendment and that the application is in condition for allowance.

A. Claim Objections

In paragraph 1 of the Office Action, the Examiner objected to claim 7 due to an informality. By the above Amendment, Applicants amended claim 7 to correct the typographical error to comply with the Examiner's objection. Applicants respectfully request that the Examiner's previous objection to claim 7 be withdrawn.

B. Claim Rejections under 35 U.S.C. § 102

Claims 1-7, 9, 12, and 15 stand rejected under 35 U.S.C. § 102, as being anticipated by Musk et al. in U.S. Patent No. 5,944,769 (the '769 patent) as indicated in paragraph 2 of the August 19, 2003 Office Action. In view of the amendments above and the remarks below, Applicants respectfully request reconsideration and withdrawal of this rejection.

The present invention is directed to a business-to-business apparatus and method where vendors and buyers search out potential business partners through a searchable on-line directory and contact each other with requests for proposals, quotations, or additional information through the creation of a web community composed of Partner or Private Label Web sites. The Partner or Private Label Web sites are managed through a partner-accessible Extranet. Significantly, interaction between buyers and sellers is facilitated by the web community where vendors of products are contacted with requests for information leading to an on-going relationship between the buyer and seller. Information is exchanged through the business-to-business web community by offering more than street address and phone number contact information to interested subscribers.

For example, amended claim 1 recites an apparatus for connecting buyers and sellers of products and services comprising a comprehensive directory of companies, a user-maintained database of registered and subscribing companies selected from the comprehensive directory, and service-brokering tools for interacting with the directory of companies and user-maintained database of companies, where the service-brokering tools comprise registering means for buyers and sellers to subscribe to the user-maintained database, assigning means denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller, ordering means for ranking buyers and sellers according to the weighted importance of provider characteristics stored in the user-maintained database, and contacting means for buyers and sellers to contact subscribing members of the user-maintained database over a network, searching means for the buyers and sellers to search the directory and the user-maintained database based on geographical boundaries, and branding means for defining visual attributes, geometrical layouts, graphical layouts, textual layouts, interface elements, and logical design elements that can be used to dynamically generate a branded Web site.

Conversely, the '769 patent is directed to a directory services system for mapping businesses and obtaining directions to these businesses (see col. 1, lines 6-7 and 29-36). The Examiner refers to Figures 2 and 3 of the '769 patent to show interactions between a client and a server and equates this to the service brokering tools recited in claim 1 of the present application. However, the '769 patent fails to disclose registering means for buyers and sellers to subscribe to the user-maintained database of providers, nor does the '769 patent disclose assigning means denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller. The '769 patent, on the other hand, merely discloses profiling software which stores user data such as the user location or the user's search strategy to facilitate mapping when a location is repeatedly used as a starting location from which directions are provided to various destination locations (see col. 2, lines 31-41).

Additionally, the '769 patent fails to disclose ordering means for ranking buyers and sellers, nor is there any mention of partner branding means. In paragraph 2 of the Office Action, the Examiner refers to the specialty business listing database of the '759 patent and equates this to partner branding means as recited in claim 1 of the present application. In the present invention, partner branding means provide automated design and publication of branded web sites driven from a single application code base as well as means by which

subscribing buyers and sellers can manage their branded sites through an Extranet (see paragraph 5 on page 25 of the present application). In the '769 patent, the specialty business listing database is merely a smaller collection of businesses based upon the type of product or service offered (see the '769 patent, col. 2, lines 18-21). No mention is made in the '769 patent of providing branding means for defining visual attributes, geometrical layouts, graphical layouts, textual layouts, interface elements, and logical design elements that can be used to dynamically generate a branded Web site. In fact, the '769 patent does not disclose the creation of branded web sites at all.

Applicants respectfully submit that the '769 patent does not disclose each element of claim 1 of the present invention. Anticipation is established only when a single reference discloses, either expressly or under the principles of inherency, each and every element of the claimed invention. Therefore, the '769 patent cannot and does not anticipate claim 1 of the present invention under 35 U.S.C. § 102. Applicants respectfully submit that claim 1 is allowable over the cited reference and request that the rejection of claim 1 under 35 U.S.C. § 102 be withdrawn.

Claims 2-6 are dependent upon claim 1, and Applicants traverse their rejection under 35 U.S.C. §102 for the same reasons as outlined above with respect to independent claim 1. Additionally, dependent claims 2-6 were amended to recite the invention more completely and in greater detail. Support for amended claims 2-6 may be found at least at pages 14, 16, 20, and 34 of the present specification. Accordingly, no new matter has been introduced. Therefore, Applicants respectfully request that the rejection of claims 2-6 under 35 U.S.C. §102 also be withdrawn.

Claim 7 of the present invention recites an apparatus for connecting buyers and sellers of products and services comprising means for sharing requests for proposals, where the means for sharing requests for proposals allows buyers and sellers to supply, access, and respond to the requests for proposals, means for geographic radius searching, where the means for geographic radius searching allows buyers and sellers to search the requests for proposals within specified geographic boundaries, and means for partner web site branding that allows the buyers and sellers to form a community to facilitate the sharing of requests for proposals and to publish modifications made to the requests for proposals.

In contrast, the '769 patent is directed to a directory services system for mapping businesses and obtaining directions to these businesses (see col. 1, lines 6-7 and 29-36). The

Examiner refers to Figures 2 and 3 of the '769 patent to show interactions between a client and a server and appears to equate these Figures 2 and 3 to means for radius searching where the means for geographic radius searching allows buyers and sellers to search requests for proposals within specified geographic boundaries. However, the '769 patent fails to disclose means for geographic searching that allows buyers and sellers to search requests for proposals within specified geographic boundaries. Instead, the '769 patent generally discloses software used to generate maps based upon user inputs of distance, cities, or states (see col. 2, lines 22-30). The software in the '769 patent then allows the user to get directions, get directions in map format, fax the business, and e-mail the business (see col. 2, lines 47-49). However, the '769 patent fails to disclose means for geographic radius searching that allows buyers and sellers to search requests for proposals within specified geographic boundaries as recited in independent claim 7. In fact, the '769 patent fails to disclose means of any sort that allow buyers and sellers to search for requests for proposals within specified geographic boundaries as recited in claim 7 of the present invention.

Further, the '769 patent also fails to disclose means for sharing requests for proposals that allow buyers and sellers to supply, access, and respond to requests for proposals. In fact, the '769 patent fails to disclose means of any sort for sharing requests for proposals among buyers and sellers.

Likewise, the '769 patent fails to disclose means for partner web site branding that allows buyers and sellers to form a community to facilitate the sharing of the requests for proposals and to publish modifications made to the requests for proposals. There is no mention in the '769 patent related to means for partner web site branding that allows buyers and sellers to form a community to facilitate the sharing of requests for proposals and to publish modifications made to the requests for proposals. The '769 patent, on the other hand, merely discloses profiling software which stores user data such as the user location or the user's search strategy to facilitate mapping when a location is repeatedly used as a starting location from which directions are provided to various destination locations (see col. 2, lines 31-41).

Applicants respectfully submit that the '769 patent does not disclose each element of claim 7 of the present invention. Therefore, for the reasons outlined above, the '769 patent fails to anticipate claim 7 under 35 U.S.C. § 102. For this reason, Applicants respectfully

submit that claim 7 is allowable over the cited reference and requests that the rejection of claim 7 under 35 U.S.C. § 102 be withdrawn.

Claim 9 is dependent upon claim 7, and Applicants traverse this rejection under 35 U.S.C. §102 for the same reasons as outlined above with respect to independent claim 7. Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. §102 also be withdrawn.

Claim 12 of the present invention recites a method for connecting buyers and sellers of products and services comprising the steps of sharing requests for proposals among a subscriber community, geographic radius searching an aggregate table of records containing unique longitude and latitude coordinates, and dynamically branding partner web site information encapsulating the branding information into a web server template.

In contrast, the '769 patent is directed to a directory services system for mapping businesses and obtaining directions to these businesses (see col. 1, lines 6-7 and 29-36). The Examiner refers to Figures 2 and 3 of the '769 patent to show interactions between a client and a server. However, Figures 2 and 3 cannot be equated to sharing requests for proposals among a subscriber community, searching an aggregate table of records containing unique longitude and latitude coordinates by geographical radius, and dynamically branding partner web site information encapsulating the branding information into a web server template. The '769 patent fails to disclose a method for connecting buyers and sellers of products and services where members of a subscriber community share requests for proposals. Rather, the '769 patent merely discloses users accessing a central server, performing a search on a directory, and generating a map from a map database (see col. 2, lines 50-61 and Fig. 3). The '769 patent fails to disclose a subscriber community, nor does it disclose the ability to share requests for proposals. Instead, the '769 patent generally discloses software used to generate maps based upon user inputs of distance, cities, or states (see col. 2, lines 22-30). The software in the '769 patent then allows the user to get directions, get directions in map format, fax the business, and e-mail the business (see col. 2, lines 47-49). However, the '769 patent fails to disclose a method where partner web site information encapsulating branding information is dynamically branded into a web server template as recited in independent claim 12. In fact, the '769 patent fails to disclose dynamically branding partner web site information of any sort.

Applicants respectfully submit that the '769 patent does not disclose each element of claim 12 of the present invention. Therefore, the '769 patent cannot and does not anticipate claim 12 of the present invention under 35 U.S.C. § 102. Applicants respectfully submit that claim 12 is allowable over the cited reference and request that the rejection of claim 12 under 35 U.S.C. § 102 be withdrawn.

Similarly, claim 15 is dependent upon claim 12, and Applicants traverse this rejection under 35 U.S.C. §102 for the same reasons as outlined above with respect to independent claim 12. Applicants respectfully request that the rejection of claim 15 under 35 U.S.C. §102 also be withdrawn.

C. Claims Not Listed as Rejected Under 35 U.S.C. § 102 or § 103

In the Office Action mailed August 19, 2003, claim 11 was listed on the Office Action Summary sheet as rejected. However, in the actual text of the Office Action, claim 11 was not listed as rejected either under 35 U.S.C. § 102 or 35 U.S.C. § 103 (the two sections used to reject the other pending claims). Claim 11 is dependent upon claim 7, which was rejected under 35 U.S.C. § 102. To the extent that claim 11 was also rejected under 35 U.S.C. § 102, Applicants respectfully traverse this rejection for the same reasons outlined above with respect to independent claim 7. Therefore, Applicants respectfully request that the rejection of claim 11 be withdrawn.

D. Claim Rejections under 35 U.S.C. § 103

Claims 8, 10, 13, 14, 16, and 17 stand rejected under 35 U.S.C. § 103, as being unpatentable over Musk et al. in U.S. Patent No. 5,944,769 (the '769 patent) in view of Sotiroff et al. in U.S. Patent No. 5,852,810 (the '810 patent) and further in view of D'Arlach et al. in U.S. Patent No. 6,026,433 (the '433 patent) as indicated in paragraph 4 of the August 19, 2003 Office Action. In view of the amendments provided above and the comments below, Applicants respectfully request reconsideration and withdrawal of this rejection.

Amended claim 8 recites, *inter alia*, an apparatus where the means for sharing requests for proposals comprise a data sharing engine for collecting, storing and controlling access to the requests for proposals of the sellers, means for a subscription sales process for authorizing access of the sellers to the data sharing engine, a request brokering engine for allowing the buyers to express detailed requests to the sellers who have been authorized by

the means for subscription sales process and subsequently receive responses to the detailed requests, an object catalog manager for maintaining statistical information collected from the data sharing engine and the request brokering engine, and means for a catalog synchronization process for updating and synchronizing the statistical information maintained by the object catalog manager across a qualified farm of load balanced servers incorporating the latest statistical information independent of the server that supplies the information.

The '810 patent, on the other hand, discloses a geographic-specific information search system where a user narrows searches to specific geographic areas by selecting on graphical maps, and specific areas of interest (see col. 1, lines 64-67). The '810 patent discloses an information database comprising a collection of data submitted by lessors and property managers listing available housing (see col. 2, lines 38-40). However, the '810 patent fails to disclose a request brokering engine for allowing the buyers to express detailed requests to the sellers who have been authorized by the means for subscription sales process and subsequently receive responses to the detailed requests. While the database in the '810 patent contains property listings listed by property managers (who need authorizing means), the system of the '810 patent is essentially open to a geographical query by a prospective house hunter. The geographical query is merely a sorting tool used to pare down the larger database of housing units in the database to arrive at a subset that meets the geographical criteria as selected by a house hunter (see col. 4, starting at line 5). It is not designed to be a two-way information conduit from which subscribers exchange information.

Additionally, the '810 patent fails to disclose an object catalog manager for maintaining statistical information collected from the data sharing engine and the request brokering engine, as well as means for a catalog synchronization process for updating and synchronizing the statistical information maintained by the object catalog manager across a qualified farm of load balanced servers incorporating the latest statistical information independent of the server that supplies the information.

The '433 patent fails to cure the deficiencies of the '769 patent and the '810 patent. The '433 patent generally discloses a method for creating and editing a web site in a client-server network using customizable templates (see col. 2, lines 37-40). The '433 patent fails to disclose both a request brokering engine for allowing the buyers to express detailed request to the sells who have been authorized by the means for subscription sales process and subsequently receive responses to the detailed requests and an object catalog manager for

maintaining statistical information collected from the data sharing engine and the request brokering engine. Additionally, the '433 patent fails to disclose means for a catalog synchronization process for updating and synchronizing the statistical information maintained by the object catalog manager across a qualified farm of load balanced servers incorporating the latest statistical information independent of the server that supplies the information as recited in claim 8 of the present application.

The apparatus comprising means for sharing requests for proposals of the present invention as recited in claim 8 is a matrix of marketplaces that become a single distributed system in which businesses interact by distributing information across different co-branded and private-labeled Web sites. Information is discriminately shared across a plurality of branded web sites based upon strategic business relationships between the subscribers in the marketplace (see present application, p. 5, lines 1-3, 10-13). For each private labeled interface that subscribes to the matrix, information from the private labeled interface is stored in the database. Information is sent by subscribers pursuant to rules established regarding the dissemination of the relevant information (see p. 5, line 24 to p. 6, line 8). The type and amount of information may be automatically regulated based upon the relationship of the parties in privity to the request for proposal.

No means for buyers and sellers to search requests for proposals within specified geographic boundaries, no means for sharing requests for proposals, and no means for partner web site branding that allow buyers and sellers to form a community to facilitate the sharing of requests for proposals are disclosed in the associated references. The cited references, both individually and collectively, fail to disclose all the elements and limitations recited in dependent claim 8 of the present application. Further, neither the '810 patent nor the '433 patent provide or suggest a motivation for one of ordinary skill in the art to combine any of the features and limitations of the associated references to arrive at the recited features and limitations of claim 8 of the present invention for connecting buyers and sellers of products and services. No suggestion or rationale, absent Applicants' teachings, for deviating from the discrete systems of the individual references is evident. In establishing a *prima facie* case of obviousness, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify a reference or to combine references to arrive at the claimed invention. The requisite motivation must stem from some teaching, suggestion, or

inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art.

For these reasons, the Examiner fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. Applicants respectfully submit that claim 8 is allowable over the cited references and request that the rejection of claim 8 under 35 U.S.C. § 103 be withdrawn.

Claim 10 of the present invention recites, *inter alia*, an apparatus for connecting buyers and sellers of products and services with means for sharing requests for proposals that allow buyers and sellers to supply, access, and respond to requests for proposals, means for geographic searching for requests for proposals, and means for partner web site branding where buyers and sellers form a community to facilitate the sharing of the requests for proposals and to publish modifications made to the requests for proposals, and where the means for partner web site branding comprises a partner management tool for allowing a partner to edit a private label interface web site, a brand distribution service for publishing modifications made by the partner management tool, and a partner branding framework for generating web pages according to branding information from the brand distribution service.

The cited references, both separately and collectively, fail to disclose means for partner web site branding that allows buyers and sellers to form a community to facilitate the sharing of the requests for proposals and to publish modifications made to the requests for proposals that include a partner management tool for allowing a partner to edit a private label interface web site. The '433 patent is the only associated reference where web sites are created, but the '433 patent is directed to customizable templates stored in a server environment (see col. 5, lines 14-25). In the '433 patent, a user selects a template which is duplicated on the server computer, and modifications and changes to the copy of the template occur on the server computer (see col. 5, lines 26-33). The '433 patent fails to disclose the sharing of the requests for proposals as recited in dependent claim 10. Further, the system disclosed in the '433 patent permits only a one-way edit of the templates in that the user makes all changes, and the original templates remain stored on the server. There is no two-way interaction between a buying and a selling party. The server in the '433 patent merely serves as a repository for the templates that a user may edit (see col. 5, lines 47-65).

As such, the associated references fail to disclose all the features and limitations of the present invention as recited in dependent claim 10. Further, even if all the limitations of the present invention could be found in the associated references, there is no suggestion or

rationale, absent Applicants' teachings, for one of ordinary skill in the art to combine the features and limitations of the '769 patent, the '433 patent, and the '810 patent to arrive at the recited features and limitations of the present invention as recited in dependent claim 10. Therefore, the Examiner fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. Applicants respectfully submit that claim 10 is allowable over the cited references and request that the rejection of claim 10 under 35 U.S.C. § 103 be withdrawn.

Claims 13, 14, and 16 are dependent upon claim 12 and thereby include all the limitations of independent claim 12 while reciting additional features of a method of the present invention. Applicants respectfully traverse the rejection of claims 13, 14, and 16 for similar reasons as outlined above with regard to the rejection of claim 12 under 35 U.S.C. § 102. As discussed above, the '769 patent does not disclose all the limitations of claim 12. For example, claim 12 of the present invention recites a method for connecting buyers and sellers of products and services comprising the steps of sharing requests for proposals among a subscriber community, geographic radius searching an aggregate table of records containing unique longitude and latitude coordinates, and dynamically branding partner web site information encapsulating the branding information into a web server template. The '769 patent fails to disclose a method for connecting buyers and sellers of products and services where members of a subscriber community share requests for proposals. Rather, the '769 patent merely discloses users accessing a central server, performing a search on a directory, and generating a map from a map database (see col. 2, lines 50-61 and Fig. 3). The '769 patent fails to disclose a subscriber community, nor does it disclose the ability to share requests for proposals. Instead, the '769 patent generally discloses software used to generate maps based upon user inputs of distance, cities, or states (see col. 2, lines 22-30). The software in the '769 patent then allows the user to get directions, get directions in map format, fax the business, and e-mail the business (see col. 2, lines 47-49). However, the '769 patent fails to disclose a method where partner web site information encapsulating branding information is dynamically branded into a web server template as recited in independent claim 12. In fact, the '769 patent fails to disclose dynamically branding partner web site information of any sort.

Further, both the '810 patent and the '433 patent fail to cure the deficiencies of the '769 patent. The Examiner alleges that the '810 patent discloses a geographic specific search system configured to accept a query criteria to search a database containing property listings

listed by property managers in a desired region which meet the entered search criteria (see paragraph 4 of the Office Action). However, the '810 patent fails to disclose the sharing of requests for proposals among a subscriber community of any fashion, and instead is directed to a user-initiated geographic search in a singular direction rather than to a method of sharing requests for proposals recited in claim 12.

Additionally, the '433 patent fails to disclose sharing requests for proposals among a subscriber community. Similarly, claims 14 and 16 depend upon claim 12. Therefore, the applied references fail to disclose all the features and limitations of claims 14 and 16 as well.

Accordingly, Applicants respectfully submit that claims 13, 14, and 16 are allowable by virtue of their dependency upon claim 12 as outlined above. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 13, 14, and 16 under 35 U.S.C. § 103.

Claim 17 recites a method for connecting buyers and sellers of products and services comprising maintaining a comprehensive on-line directory of sellers, providing a request for proposal application for integration into a Web site of a partner, co-branding the request for proposal application, maintaining a searchable directory of companies for the partner, providing an e-commerce infrastructure, marketing a private-labeled web site of the partner, and providing usage and revenue reports that detail usage on the private-labeled web site.

In the rejection of claim 17, the Examiner notes that the '769 patent does not disclose a means for sharing requests for proposals having a data sharing engine, authorizing means to the data sharing engine, a synchronized catalog manager, editing and publishing modifications from a brand distribution service or a template foundation for all pages of a web server as presently claimed. However, claim 17 recites a method for connecting buyers and sellers of products and services comprising maintaining a comprehensive on-line directory of sellers, providing a request for proposal application for integration into a Web site of a partner, co-branding said request for proposal application, maintaining a searchable directory of companies for said partner, providing an e-commerce infrastructure, marketing a private-labeled web site of said partner, and providing usage and revenue reports that detail usage on the private-labeled web site.

None of the applied references disclose a method of connecting buyers and sellers of products and services in the manner recited in claim 17. Applicants are unclear as to

how the references were applied since the Office Action does not provide details to discern how the references were applied to the individual method claim 17 of the present invention. However, none of the applied references discloses providing a request for proposal application for integration into a Web site of a partner, co-branding the request for proposal application, maintaining a searchable directory of companies for the partner, marketing a private-labeled web site of a partner, and providing usage and revenue reports that detail usage on the private-labeled web site.

For this reason, Applicants respectfully submit that independent claim 17 is allowable over the applied references and request that the rejection of claim 17 under 35 U.S.C. §103 be withdrawn.

E. Conclusion

In view of the above amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application and the timely allowance of the pending claims.

Respectfully submitted,

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Date: **February 12, 2004**

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